

(SPACE BELOW FOR FILING STAMP ONLY)

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RICHARD C. WATTERS, ESQ. - 060162  
AIDA S. MACEDO, ESQ. - 294632  
LAW OFFICES OF  
MILES, SEARS & EANNI  
A PROFESSIONAL CORPORATION  
2844 FRESNO STREET  
P.O. BOX 1432  
FRESNO, CALIFORNIA 93716  
TELEPHONE (559) 486-5200  
  
Attorneys for Plaintiffs

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

\*\*\*

In re	)	NO. 17-13797
TULARE LOCAL HEALTHCARE	)	Chapter 9
DISTRICT dba TULARE	)	DCN: ASM-1
REGIONAL MEDICAL CENTER,	)	
	)	<b>EXHIBITS TO DECLARATION</b>
	)	<b>OF RICHARD C. WATTERS IN</b>
Debtor.	)	<b>SUPPORT OF MOTION FOR RELIEF</b>
	)	<b>FROM AUTOMATIC STAY UNDER</b>
	)	<b>11 U.S.C. §362</b>
Tax ID#: 94-6002897	)	Date: November 15, 2017
Address: 869 N. Cherry Street	)	Time: 1:30 p.m.
Tulare, CA 93274	)	Place: 2500 Tulare St.
	)	5 <sup>th</sup> Flr.
	)	Fresno, CA 93721
	)	Ctrm: 13
	)	Dept: B
	)	Judge: Rene Lastreto II

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EXHIBIT INDEX

Exhibit	Page	Description
<b>Exhibit "A"</b>	3	True and correct copy of movants/plaintiffs' Complaint for Medical Negligence- Wrongful Death; and Emotion Distress filed on June 14, 2017 in the Superior Court of California, County of Tulare Case No. 270010.
<b>Exhibit "B"</b>	20	True and correct copy of defendant Tulare Regional Medical Center Responses to Plaintiffs' Form Interrogatory Set One Number 4.2 regarding insurance coverage.
<b>Exhibit "C"</b>	27	True and correct copy of Plaintiffs Offer to Compromise Before Commencement of Trial per Cal. Code of Civil Procedure §998 seeking insurance proceeds against TULARE REGIONAL MEDICAL CENTER for the sum of Five Hundred and Fifty Four Thousand, Six Hundred and Five Dollars and Twenty-three cents (\$554,605.23).

-000003-

**EXHIBIT “A”**

# SUMMONS (CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT: TULARE REGIONAL MEDICAL CENTER;  
(AVISO AL DEMANDADO): REBECCA A. ZULIM, M.D.; JATINDER  
CHOPRA, M.D.; and DOES 1 through 20

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

YOU ARE BEING SUED BY PLAINTIFF: THOMAS J. GRIESBACH,  
(LO ESTÁ DEMANDANDO EL DEMANDANTE): Individually, and  
as Successor in Interest to the ESTATE OF CHRISTINE  
L. GRIESBACH; AMY S. FERREIRA; and MATHEW J.  
GRIESBACH

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es):

TULARE COUNTY SUPERIOR COURT  
221 South Mooney Boulevard  
221 South Mooney Boulevard  
Visalia, California 93291

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Richard C. Watters, Esq. 060162 (559) 486-5200 (559) 486-5240  
MILES, SEARS & EANNI  
2844 Fresno Street, P.O. Box 1432  
Fresno, California 93716

DATE: JUN 14 2017  
(Fecha)

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.  
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):

4. ☐ by personal delivery on (date):

[SEAL]

COURT SEAL

Form Adopted for Mandatory Use  
Judicial Council of California  
SUM-100 (Rev. July 1, 2009)

SUMMONS

Legal  
Solutions  
& PlusPage 1 of 1  
Code of Civil Procedure §§ 412.20, 465

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RICHARD C. WATTERS, ESQ. - 060162  
AIDA S. MACEDO, ESQ. - 294632  
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Attorneys for **Plaintiffs**

(SPACE BELOW FOR FILING STAMP ONLY)

TULARE COUNTY SUPERIOR COURT  
FRESNO, CALIFORNIA  
JUN 14 2017  
LINDIE CREEK, CLERK  
BY: *[Signature]*

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE

\*\*\*

**# - 270010**

THOMAS J. GRIESBACH, Individually, ) NO.  
and as Successor in Interest to )  
the ESTATE OF CHRISTINE L. )  
GRIESBACH; )  
AMY S. FERREIRA; and )  
MATHEW J. GRIESBACH; )  
Plaintiffs, )  
vs. )  
TULARE REGIONAL MEDICAL CENTER; )  
REBECCA A. ZULIM, M.D.; )  
JATINDER CHOPRA, M.D.; )  
and DOES 1 through 20, )  
Defendants. )

**COMPLAINT FOR MEDICAL  
NEGLIGENCE - WRONGFUL DEATH;  
AND EMOTIONAL DISTRESS  
BRET D. HILLMAN**

**CASE MANAGEMENT CONFERENCE**  
Hearing Date: 10-19-17  
Time: 8:30am  
Courtroom: 7

Plaintiffs complain of defendants, and each of them, and  
alleges as follows:

**PRELIMINARY ALLEGATIONS**

1. Plaintiff, THOMAS J. GRIESBACH, and decedent, CHRISTINE  
L. GRIESBACH, were legally married and were husband and wife prior  
to the date of the subject incident which occurred on or about  
September 16-17, 2016.

/////

Complaint for Med Neg-WD-Emotional Distress.wpd

-000005-

1           2.     Plaintiffs, AMY S. FERREIRA and MATHEW J. GRIESBACH, were  
2     the natural children of decedent, CHRISTINE L. GRIESBACH.

3           3.     That prior to the commencement of this action, and on  
4     February 23, 2017, a Written Claim for Damages was presented to the  
5     Clerk of the Board of TULARE REGIONAL MEDICAL CENTER and is  
6     attached hereto as Exhibit "A". Said claim was REJECTED by the  
7     board on March 22, 2017.

8           4.     That plaintiffs are unaware of the true names and  
9     capacities of defendants named herein as DOE 1 through DOE 20  
10    ("DOES 1-20"), inclusive, and each of them, and therefore  
11    plaintiffs sue said defendants by such fictitious names and will  
12    move to amend to insert the true names of said defendants when the  
13    true names, identities and acts giving rise to their liability in  
14    regard to the above-entitled action, become known to plaintiffs.  
15    Plaintiffs are informed and believe and therefore allege that each  
16    of the defendants designated herein as a DOE defendant is  
17    responsible in some manner for the events and happenings referred  
18    to herein, and for negligently and wrongfully causing the personal  
19    injuries and economic damages hereinafter alleged.

20          5.     That at all times and places mentioned herein, defendant  
21    TULARE REGIONAL MEDICAL CENTER was a hospital licensed to do  
22    business in the County of Tulare, State of California, and that  
23    said defendant employs physicians, nurses, assistants, attendants  
24    and other persons to care for and treat patients who are admitted  
25    at said facility.

26          6.     That at all time and places mentioned herein, defendant,  
27    REBECCA A. ZULIM, M.D., was and is a medical doctor licensed to  
28    practice under the laws of the State of California and was and is

1 practicing medicine in the County of Tulare, State of California.

2 7. That at all time and places mentioned herein, defendant,  
3 JATINDER CHOPRA, M.D., was and is a medical doctor licensed to  
4 practice under the laws of the State of California and was and is  
5 practicing medicine in the County of Tulare, State of California.

6 8. That at all times and places mentioned herein, DOE ONE  
7 through DOE TWENTY, inclusive, and each of them, were physicians,  
8 surgeons, chiropractors and other medical practitioners and medical  
9 providers, licensed to practice medicine and surgery and  
10 chiropractic in the State of California, with offices in the County  
11 of Tulare, and each of them has held themselves out to possess that  
12 degree of skill, ability and learning common to medical  
13 practitioners in said community.

14 9. That at all times and places mentioned herein the  
15 defendants, and each of them, were agents, servants and employees  
16 of each other and of the other defendants named herein, and each of  
17 them, and in doing the things hereinafter mentioned, were acting  
18 within the course and scope of their authority as such agents,  
19 servants and employees.

20 **FIRST CAUSE OF ACTION**

21 **MEDICAL NEGLIGENCE - WRONGFUL DEATH AS TO DEFENDANTS**

22 **TULARE REGIONAL MEDICAL CENTER AND REBECCA ZULIM, M.D.**

23 10. Plaintiffs restate and reiterate each and all of the  
24 paragraphs and allegations set forth above, and make them part of  
25 this cause of action as though fully set forth here.

26 11. That on or about September 16, 2016 to September 17,  
27 2016, plaintiffs employed defendants, TULARE REGIONAL MEDICAL  
28 CENTER; REBECCA A. ZULIM, M.D.; and DOES 1-10; to diagnose and

1 treat medical complaints then suffered by plaintiffs' decedent.  
2 Pursuant to this employment, defendants, and each of them, by and  
3 through their agents and employees, rendered professional services  
4 in the diagnosis, treatment, and care of plaintiff for her  
5 conditions.

6 12. That from and after the time of the employment,  
7 defendants, and each of them, by and through their agents and  
8 employees in the course and scope of their agency and employment,  
9 negligently failed to exercise the proper degree of knowledge,  
10 competence and skill in examining, diagnosing, treating and caring  
11 for plaintiffs' decedent, and in providing the appropriate level of  
12 medical care, and negligently rendered treatment to plaintiffs'  
13 decedent, which breached the applicable standards of care. Among  
14 other things, on or about September 16, 2016 to September 17,  
15 2016, defendants failed to provide urgent and emergency care to  
16 decedent for over twelve hours although she was diagnosed in the  
17 emergency room with incarcerated strangulated ventral hernia and  
18 acute abdominal pain secondary to incarcerated strangulated ventral  
19 hernia at Tulare Regional Medical Center in Tulare, California.

20 13. In addition, from and after the time of the employment,  
21 defendants TULARE REGIONAL MEDICAL CENTER; REBECCA A. ZULIM, M.D.;  
22 and each of them, by and through their agents and employees in the  
23 course and scope of their agency and employment, negligently failed  
24 to render competent emergency surgery or in the alternative  
25 transferring decedent STAT via ambulance or air ambulance to a  
26 facility equipped to perform immediate surgery. If either had been  
27 accomplished, it is our contention she would have survived. The  
28 conduct at this facility including the management, nurses, staff



1 and doctors involved was negligent, grossly failed the standard of  
2 care, and resulted in the death of CHRISTINE L. GRIESBACH.

3 14. That as a direct and proximate result of the negligence,  
4 acts, conduct, and omissions of defendants, plaintiffs' decedent  
5 sustained injury to her health, and wrongful death. As a result,  
6 plaintiffs have suffered great physical and emotional pain,  
7 suffering, distress, embarrassment, fright, shock and humiliation,  
8 loss of love, companionship, comfort, care, assistance, protection,  
9 affection, society and moral support, all to their damage in an  
10 amount subject to proof.

11 15. That as a further direct and proximate result of the  
12 negligence, acts, conduct and omissions of the defendants, and each  
13 of them, plaintiffs' decedent was prevented from pursuing her usual  
14 occupation and activities, all to her past and future special  
15 damages in an amount not now known to her, but subject to proof.

16 **SECOND CAUSE OF ACTION**

17 **MEDICAL NEGLIGENCE - WRONGFUL DEATH AS TO DEFENDANT**

18 **JATINDER CHOPRA, M.D.**

19 16. Plaintiffs restate and reiterate each and all of the  
20 paragraphs and allegations set forth above, and make them part of  
21 this cause of action as though fully set forth here.

22 17. That on or about September 13, 2016, and for many years  
23 before that time, plaintiffs employed defendant, JATINDER CHOPRA,  
24 M.D., and DOES 11-20, to diagnose and treat medical complaints then  
25 suffered by plaintiffs' decedent. Pursuant to this employment,  
26 defendants, and each of them, by and through their agents and  
27 employees, rendered professional services in the diagnosis,  
28 treatment, and care of plaintiff for her conditions. When Dr.

1 Chopra saw Mrs. Griesbach as his patient on February 1, 2013, it  
2 was stated under History of Present Illness that Dr. Chopra was  
3 following up from surgery and she was recently discharged from TRMC  
4 due to incarcerated hernia repair.

5 18. That from and after the time of the employment,  
6 defendants, and each of them, by and through their agents and  
7 employees in the course and scope of their agency and employment,  
8 negligently failed to exercise the proper degree of knowledge,  
9 competence and skill in examining, diagnosing, treating and caring  
10 for plaintiffs' decedent, and in providing the appropriate level of  
11 medical care, and negligently rendered treatment to plaintiffs'  
12 decedent, which breached the applicable standards of care. Among  
13 other things, defendant failed the applicable standard of care in  
14 multiple ways and essentially should have referred Mrs. Griesbach  
15 to an emergency room for an examination, treatment and surgery by  
16 a general surgeon immediately upon her presentation on September  
17 13, 2016, at 9:45 a.m. If that had have been done, it is our  
18 contention she would have survived.

19 19. That as a direct and proximate result of the negligence,  
20 acts, conduct, and omissions of defendants, plaintiffs' decedent  
21 sustained injury to her health, and wrongful death. As a result,  
22 plaintiffs have suffered great physical and emotional pain,  
23 suffering, distress, embarrassment, fright, shock and humiliation,  
24 loss of love, companionship, comfort, care, assistance, protection,  
25 affection, society and moral support, all to their damage in an  
26 amount subject to proof.

27 20. That as a further direct and proximate result of the  
28 negligence, acts, conduct and omissions of the defendants, and each

1 of them, plaintiffs' decedent was prevented from pursuing her usual  
2 occupation and activities, all to her past and future special  
3 damages in an amount not now known to her, but subject to proof.

4 **THIRD CAUSE OF ACTION**

5 **EMOTIONAL DISTRESS**

6 21. Plaintiffs restate and reiterate each and all of the  
7 paragraphs and allegations set forth above, and make them part of  
8 this cause of action as though fully set forth here.

9 22. That at all times and places mentioned herein,  
10 plaintiffs, THOMAS J. GRIESBACH and AMY S. FERREIRA were in close  
11 proximity to the hereinabove incidents, in that they were present  
12 throughout CHRISTINE L. GRIESBACH's medical demise from September  
13 16, 2016 through September 17, 2016, and in particular Thomas J  
14 Griesbach, husband, and Amy S. Ferreira, daughter, were invited  
15 into the surgery room by a nurse after being told that the  
16 decedent's heart had stopped and they were working on her. Mrs.  
17 Griesbach was alive. Both of them saw this occurring and saw the  
18 CPR occurring. They were both present when last rights were  
19 administered to the decedent in the surgery room by Father Robert  
20 Urizalque, Priest at St. Aloysius Catholic Church. Plaintiffs,  
21 THOMAS J. GRIESBACH and AMY S. FERREIRA were the legal heirs of  
22 CHRISTINE L. GRIESBACH, during these incidents and observed  
23 injuries occur to their loved one over that time.

24 23. That as a direct and proximate result of the negligence,  
25 omissions, conduct and acts of the defendants, and each of them,  
26 the plaintiffs, THOMAS J. GRIESBACH and AMY S. FERREIRA, sustained  
27 certain severe and painful injuries, including, but not limited  
28 to, great emotional distress and shock to the nerves and nervous

1 system, as well as mortification, humiliation, horror, grief,  
2 fright, shame, ridicule, nausea and embarrassment, and said  
3 plaintiffs are informed and believe, and upon such information and  
4 belief allege that they will continue to suffer from the injuries  
5 for some indefinite period of time in the future, and that as a  
6 direct and proximate result of the said negligence, acts, conduct,  
7 and omissions of the defendants, and each of them, said plaintiffs  
8 have been generally damaged in an amount in excess of the  
9 jurisdictional limits.

10 **FOURTH CAUSE OF ACTION**

11 **SURVIVORS CAUSE OF ACTION**

12 **(C.C.P. §377.30)**

13 24. Plaintiffs restate and reiterate each and all of the  
14 paragraphs and allegations set forth above, and make them part of  
15 this cause of action as though fully set forth here.

16 25. THOMAS J. GRIESBACH brings this cause of action as  
17 Successor In Interest to the ESTATE OF CHRISTINE L. GRIESBACH.

18 26. That as a direct and legal result of the above-described  
19 negligence, acts, conduct and omissions of the defendants, and each  
20 of them, the Decedent, CHRISTINE L. GRIESBACH, suffered severe and  
21 painful injuries, all of which resulted in damages incurred by  
22 Decedent, CHRISTINE L. GRIESBACH, prior to her death, and in  
23 damages to plaintiffs as alleged herein above and herein below.

24 27. That medical bills and funeral bills accrued at the time  
25 of the death of CHRISTINE L. GRIESBACH and plaintiffs claim them as  
26 damages, along with all other elements of damages pled, as a legal  
27 cause of the negligence and conduct of the defendants as herein  
28 stated and the wrongful death of decedent.

1 WHEREFORE, plaintiffs pray judgment against defendants, and  
2 each of them, as follows:  
3 a. General/Non-Economic damages to be specified at a later  
4 date;  
5 b. Medical and incidental expenses, according to proof;  
6 c. Funeral, burial and incidental expenses, according to  
7 proof;  
8 d. All losses incurred because of plaintiffs inability to  
9 pursue their usual occupation and activities;  
10 e. Loss of financial support, according the proof;  
11 f. For costs of suit incurred herein;  
12 g. For prejudgment interest in accordance with law;  
13 h. For such other and further relief as to the court deems  
14 just and proper.

15 DATED: June 13, 2017

16 MILES, SEARS & EANNI

17 By:   
18 RICHARD C. WATTERS  
19 Attorneys for Plaintiffs  
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**EXHIBIT “A”**

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## WRITTEN CLAIM FOR DAMAGES

TO: CLERK OF THE BOARD OF TULARE REGIONAL MEDICAL CENTER, aka  
TULARE LOCAL HEALTH CARE DISTRICT; DOE ONE; DOE TWO; DOE THREE; DOE  
FOUR; DOE FIVE; DOE SIX; DOE SEVEN; DOE EIGHT; DOE NINE and DOE TEN

This claim is being presented pursuant to Government Code  
§900 et seq., and all other pertinent Code Sections of the Codes,  
Statutes and Laws of the State of California.

## A. The names and addresses of Claimants:

CHRISTINE GRIESBACH (Deceased)

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

THOMAS J. GRIESBACH, Spouse

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

413 E. Washington Avenue

Tulare, California 93274

(559) 688-0060

AMY S. FERREIRA, Daughter

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

651 Helene Street

Tulare, California 93274

(559) 679-3419

MATHEW J. GRIESBACH, Son

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

12381 Caminito Esmero

San Diego, California 92130

(415) 509-2673

B. The Post Office address to which the persons presenting  
this claim desire notices to be sent is:

THOMAS J. GRIESBACH

AMY S. FERREIRA

MATHEW J. GRIESBACH

c/o Richard C. Watters, Esq.

MILES, SEARS & EANNI

Post Office Box 1432

Fresno, California 93716

C. The date, place and other circumstances of the occurrence  
which give rise to the claim asserted are:

1. Date: September 16-17, 2016

2. Location: TULARE REGIONAL MEDICAL CENTER  
869 N. Cherry Street  
Tulare, California 93274

1 3. Circumstances:

2 The decedent arrived at Tulare Regional Medical  
3 Center (TRMC) on September 16, 2016, at approximately  
4 10:30 a.m. She received a diagnoses in the emergency  
5 room report of:

- 6 1) incarcerated strangulated ventral hernia  
7 2) acute abdominal pain secondary to incarcerated  
8 strangulated ventral hernia, rule out sepsis

9 She had an abdominal ultrasound performed at TRMC  
10 which was abnormal and the following was stated:

11 "A stat preliminary written report was sent to the  
12 emergency department and Dr. Ostrom notified  
13 directly by telephone"

14 A CT abdomen and pelvis without interic or IV  
15 contrast and with reconstructions was performed at TRMC  
16 with an impression that included a large bilobed  
17 abdominal wall hernia; ... and a small amount of free  
18 fluid in the peritoneal cavity consistent with insult to  
19 the involved bowel was stated by the author as follows  
20 "the STAT preliminary written report was sent to he  
21 emergency department and Dr. Ostrom notified directly by  
22 telephone"

23 The decedent was not taken to the operating suite  
24 until approximately 11:00 p.m. A Code was called on the  
25 patient on 9/17/16 at 12:27 a.m. The surgery had not  
26 been performed at that time.

27 Thomas J Griesbach, husband, and Amy S. Ferreira,  
28 daughter, were invited into the surgery room by a nurse  
after being told that the decedent's heart had stopped  
and they were working on her. Mrs. Griesbach was alive  
Both of them saw this occurring and saw the CPR  
occurring. They were both present when last rights were  
administered to the decedent in the surgery room by  
Father Robert Urizalque, Priest at St. Aloysius Catholic  
Church.

4. Contentions:

It is contended that the treatment/lack of treatment  
rendered at this facility, TRMC, was negligent and  
grossly below the standard of care and that this facility  
along with the nurses, staff and doctors involved were  
negligent in not getting this emergency to the surgical  
suite STAT or in the alternative transferring this  
patient STAT via air ambulance to a facility equipped to  
perform immediate surgery.

The conduct at this facility including the nurses,



1 staff and doctors involved was negligent, grossly failed  
2 the standard of care, and resulted in the death of  
Christine L. Griesbach.

3 Tulare Regional Medical Center was negligent for having  
4 inadequate surgical facilities and being understaffed.

5 5. Damages:

6 The economic damages include the present value of lost  
7 wages and benefits to include service retirement losses  
8 at Cal-STRS along with funeral bills in the amount of  
\$4,605.23. The lost wages, fringe benefits, and service  
9 retirement estimate through Cal-STRS will be quantified  
by an economist and presented according to proof. It  
should amount to approximately \$1,000,000.00

10 The non-economic damages are as follows:

11 THOMAS J. GRIESBACH, AMY S. FERREIRA, MATHEW J.  
12 GRIESBACH - Wrongful death of Christine L. Griesbach -  
\$250,000.00 cap provided by MICRA

13 Emotional Distress of THOMAS J. GRIESBACH - the  
14 \$250,000.00 cap provided by MICRA

15 Emotional Distress of AMY J. FERREIRA - the \$250,000.00  
16 cap provided by MICRA

17 Jurisdiction over the claim of THOMAS J. GRIESBACH, AMY  
18 S. FERRERIA and MATHEW J. GRIESBACH would rest in the Superior  
Court.

19 DATED: February 23, 2017

20 MILES, SEARS & EANNI

21  
22 By:   
23 RICHARD C. WATTERS  
24 Attorneys for Plaintiffs  
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1 PROOF OF SERVICE BY MAIL - C.C.P. §§1013(a), 2015.5

2 I, Christina Marquez, declare as follows:

3 My business address is MILES, SEARS & EANNI, 2844 Fresno  
4 Street, Post Office Box 1432, Fresno, California, 93716. I am a  
5 resident of, or employed in, Fresno County, the county where the  
6 following mailing occurs. I am over the age of eighteen years and  
7 not a party to the within entitled action. I am readily familiar  
8 with the practice of MILES, SEARS & EANNI for collection and  
9 processing of correspondence for mailing with the United States  
10 Postal Service. In accordance with that practice, correspondence  
11 will be deposited with the United States Postal Service on the  
12 same date set forth below in the ordinary course of business. On  
13 February 23, 2017, I served the within WRITTEN CLAIM FOR DAMAGES on  
14 the interested parties in said action by placing a true copy  
15 thereof for deposit in the United States Postal Service at my said  
16 place of business. The envelopes were sealed and placed for  
17 collection and mailing on that date following ordinary business  
18 practices. The names and addresses of the persons served as shown  
19 on the envelopes are as follows:

20 Clerk of the Board of  
21 TULARE REGIONAL MEDICAL CENTER, aka  
22 TULARE LOCAL HEALTH CARE DISTRICT  
23 869 North Cherry Street  
24 Tulare, California 93274

CERTIFIED MAIL

23 Charlene Dawson, Risk Manager  
24 TULARE REGIONAL MEDICAL CENTER  
25 869 North Cherry Street  
26 Tulare, California 93274

CERTIFIED MAIL


26 Courtesy copy to: THOMAS J. GRIESBACH  
27 413 E. Washington Avenue  
28 Tulare, California 93274

28 /////

MATHEW J. GRIESBACH  
12381 Caminito Esmero  
San Diego, California 92130

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23<sup>rd</sup> day of February 2017, at Fresno, California.

Christina Marquez, Declarant

<b>SENDER: COMPLETE THIS SECTION</b>  <input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Clerk of the Board of TULARE REGIONAL MEDICAL CENTER, aka TULARE LOCAL HEALTH CARE DISTRICT 869 North Cherry Street Tulare, California 93274	<b>COMPLETE THIS SECTION ON DELIVERY</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>A. Signature</b>  <input checked="" type="checkbox"/> <i>Aliu Cartano</i>  <b>B. Received by (Printed Name)</b>  <i>Aliu Cartano</i> </div> <div style="width: 45%;"> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee  <b>C. Date of Delivery</b>  <div style="border: 1px solid black; padding: 2px; display: inline-block;">             3/2/17           </div> </div> </div> <b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:
<div style="text-align: center;">   <b>9590 9403 0323 5155 9393 08</b> </div> 2. Article Number (Transfer from service label) <b>7015 0640 0001 2427 6827</b>	<b>3. Service Type</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)           </div> <div style="width: 45%;"> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery           </div> </div>

Visit our website at [www.usps.com](http://www.usps.com)

**CIA USE**

4. add fee as appropriate

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Postmark Here

*The Board of Tulare Regional Medical Center aka Tulare Local Health Care District*

<p><b>SENDER'S: COMPLETE THIS SECTION</b></p> <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Charlene Dawson, Risk Manager  TULARE REGIONAL MEDICAL CENTER  869 North Cherry Street  Tulare, California 93274</p>	<p><b>COMPLETE THIS SECTION ON DELIVERY</b></p> <p>A. Signature  X <i>Chloe Cantano</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)  <i>Chloe Cantano</i></p> <p>C. Date of Delivery  3/13/17</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	<p style="text-align: center;"><b>POSTAL USE</b></p> <p>Postmark Here</p> <p><i>Chloe Cantano, Risk Manager</i>  Tulare Regional Medical Center</p>
<p>2. Article Number (Transfer from service label)</p> <p>7015 0640 0001 2427 6810</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

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**EXHIBIT “B”**

1 Richard S. Salinas #154959  
2 Carol A. O'Neil #71282  
3 WEISS-SALINAS LAW GROUP, INC.  
4 7108 North Fresno Street, Suite 250  
5 Fresno, California 93720  
6 Telephone: (559) 438-2080  
7 Facsimile: (559) 438-8363  
8 [rsalinas@weiss-salinas.com](mailto:rsalinas@weiss-salinas.com)  
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10 Attorneys for Defendant TULARE REGIONAL MEDICAL CENTER  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF TULARE

THOMAS J. GRIESBACH, Individually, and as Successor in Interest to the ESTATE OF CHRISTINE L. GRIESBACH; AMY S. FERREIRA; and MATHEW J. GRIESBACH;	)	Case No. VCU270010
Plaintiffs,	)	<b>DEFENDANT TULARE REGIONAL MEDICAL CENTER'S RESPONSES TO PLAINTIFFS' FORM INTERROGATORIES—GENERAL</b>
vs.	)	<b>SET NO. ONE</b>
TULARE REGIONAL MEDICAL CENTER; REBECCA A. ZULIM, M.D.; JATINDER CHOPRA, M.D.; and DOES 1 through 20	)	Action Filed: June 14, 2017
Defendants.	)	Trial Date: NOT YET ASSIGNED

PROPOUNDING PARTY: Defendant, TULARE REGIONAL MEDICAL CENTER

RESPONDING PARTY: Plaintiffs, THOMAS J. GRIESBACH, ET AL.

SET NUMBER: One (1)

Defendant, TULARE REGIONAL MEDICAL CENTER ("TRMC"), responds to the Form Interrogatories – General, propounded by Plaintiffs, THOMAS GRIESBACH, *ET AL.* ("Plaintiffs") Set Number One, as follows:

It should be noted that this responding party has not fully completed investigation of the facts of this case, has not fully completed discovery in this action, and has not completed preparation for trial. All of the responses contained herein are based only upon such information

**INTERROGATORIES NO. 4.2:**

Are you self-insured under any statute for the damages, claims, or actions that have arisen out of the INCIDENT? If so, specify the statute.

**RESPONSE:**

Attorney Objections: Objection to the term "the INCIDENT," which is undefined and vague and ambiguous. Without waiving this objection,

Answer: Yes. Pursuant to Government Code Section 6500 et seq., and Section 990 et seq., BETA Healthcare Group Risk Management Authority administers risk-sharing pools under a joint powers agreement. Tulare District Hospital is a Member of this risk-sharing pool with \$10,000,000 limit of liability. The custodian of the coverage is BETA HealthCare Group, 1443 Danville Boulevard, Alamo, California, 94507, (925) 838-6070.

**INTERROGATORIES NO. 12.1:**

State the name, ADDRESS, and telephone number of each individual:


- (a) who witnessed the INCIDENT or the events occurring immediately before or after the INCIDENT;
- (b) who made any statement at the scene of the INCIDENT;
- (c) who heard any statements made about the INCIDENT by any individual at the scene; and
- (d) who YOU OR ANYONE ACTING ON YOUR BEHALF claim has knowledge of the INCIDENT (except for expert witnesses covered by Code of Civil Procedure section 2034).

**RESPONSE:**

Objection, this Interrogatory seeks to invade the attorney-client and work-product privileges. (See Evidence Code § 950 et seq., CCP § 2018.010 et seq.; *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363, 370-381.) Objection, this Interrogatory seeks to discover information protected under Evidence Code § 1157 et seq. and other protected peer review processes. Objection, this Interrogatory seeks to discover information that is protected under the Health Information Portability and Accountability Act (HIPAA). Objection, this

1 available to Plaintiffs and their counsel through Quest Discovery Services. Defendant is not in  
2 possession, custody or control of any medical records of Plaintiffs.

3 Dated: August 18, 2017. WEISS-SALINAS LAW GROUP, INC.

4  
5 By:   
6 Richard S. Salinas  
7 Carol A. O'Neil  
8 Attorneys for Defendant  
TULARE REGIONAL MEDICAL CENTER

9 108853; 01002.0102

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## VERIFICATION

STATE OF CALIFORNIA )  
 )  
COUNTY OF TULARE )

I have read the foregoing **DEFENDANT TULARE REGIONAL MEDICAL CENTER'S RESPONSE TO PLAINTIFFS THOMAS J. GRIESBACH, ET AL., FORM INTERROGATORIES—GENERAL, SET ONE**, and know its contents.

☒ CHECK APPLICABLE PARAGRAPHS

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am the CHIEF NURSING OFFICER, which is a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for \_\_\_\_\_, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on 16<sup>th</sup> of August, 2017, at Tulare, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
ANGIE GRAZIANO, R.N., CHIEF NURSING OFFICER

[00109345; 1 01002-0102]



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PROOF OF SERVICE  
CCP §§ 1011, 1013, 1013a, 2015.5  
FRCP 5(b)

STATE OF CALIFORNIA, COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 7108 North Fresno Street, Suite 250, Fresno, California 93720.

On August 18, 2017, I served the document described as **DEFENDANT TULARE REGIONAL MEDICAL CENTER'S RESPONSES TO PLAINTIFFS' FORM INTERROGATORIES—GENERAL, SET NO. ONE**, on the interested parties in this action ☒ by placing the true copies thereof enclosed in sealed envelope(s) addressee(s) as stated on the attached service list: ☐ by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

- ☒ BY MAIL: ☐ I deposited such envelope in the mail at Fresno, California. The envelope was mailed with postage thereon fully prepaid.
- ☒ As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Fresno, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ (BY PERSONAL SERVICE) I personally delivered such envelope(s) to the office(s) of the addressee(s) listed on the attached service list.
- ☐ (BY FACSIMILE) I faxed the document to the person(s) at the fax number(s) listed in the attached service list. The telephone number of the sending facsimile machine was (559) 438-2080. No error was reported by the fax machine that I used.
- ☐ (BY ELECTRONIC SERVICE) I transmitted electronically by email(s) of the above-referenced document to the addressee(s) at the email addresses listed in the attached service list.
- ☐ (BY OVERNIGHT COURIER) I enclosed said document in an envelope(s) or package(s) addressed to the person(s) at the addresses listed on the attached service list. I placed the envelope(s) or package(s) for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **August 18, 2017**, at Fresno, California.

Carrie M. Vue   
Signature

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SERVICE LIST

Richard C. Watters, Esq. ORIGINAL      *Attorneys for Plaintiffs*  
MILES, SEARS & EANNI  
2844 Fresno Street  
Post Office Box 1432  
Fresno, California 93716  
Tel: (559) 486-5200  
Fax: (559) 486-5240

Mark B. Canepa, Esq.      *Attorney for Defendant Jatinder Chopra, M.D.*  
WHITE CANEPA LLP  
7690 N. Palm Ave., Ste. 105  
Fresno, CA 93711  
Tel: (559) 439-0800  
Fax: (559) 439-0802

Dominique A. Pollara, Esq.      *Attorney for Defendant Rebecca A. Zulim, M.D.*  
POLLARA LAW GROUP  
3600 American River Dr., Ste. 160  
Sacramento, CA 95864  
Tel: (916) 550-5880  
Fax: (916) 550-5066

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RICHARD C. WATTERS, ESQ. - 060162  
AIDA S. MACEDO, ESQ. - 294632  
LAW OFFICES OF  
**MILES, SEARS & EANNI**  
A PROFESSIONAL CORPORATION  
2844 FRESNO STREET  
P.O. BOX 1432  
FRESNO, CALIFORNIA 93716  
TELEPHONE (559) 486-5200

Attorneys for **Plaintiffs**

(SPACE BELOW FOR FILING STAMP ONLY)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF TULARE

\*\*\*

THOMAS J. GRIESBACH, Individually, ) NO. 270010  
and as Successor in Interest to )  
the ESTATE OF CHRISTINE L. )  
GRIESBACH; ) **PLAINTIFFS OFFER TO COMPROMISE**  
AMY S. FERREIRA; and ) **BEFORE COMMENCEMENT**  
MATHEW J. GRIESBACH; ) **OF TRIAL**  
 ) **(Code of Civil Procedure**  
Plaintiffs, ) **§998)**

vs. )  
 )  
TULARE REGIONAL MEDICAL CENTER; )  
REBECCA A. ZULIM, M.D.; )  
JATINDER CHOPRA, M.D.; )  
and DOES 1 through 20, )  
 )  
Defendants. )

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

Plaintiffs, THOMAS J. GRIESBACH, Individually, and as  
Successor in Interest to the ESTATE OF CHRISTINE L. GRIESBACH; AMY  
S. FERREIRA; and MATHEW J. GRIESBACH, offers to have judgment taken  
against Defendant, TULARE REGIONAL MEDICAL CENTER and for  
themselves in the above-entitled action pursuant to Code of Civil  
Procedure Section 998 and Civil Code Section 3291, for the sum of  
Five Hundred and Fifty Four Thousand, Six Hundred and Five

Plaintiffs Offer To Compromise-TRMC.wpd

1 Dollars and Twenty-three cents (\$554,605.23), each party to bear  
2 his or its own costs.

3 If you accept this offer, your acceptance of the offer may be  
4 indicated by signing the statement below entitled "Notice Of  
5 Acceptance."

6 If you accept this offer, please file the Offer together with  
7 your signed Notice Of Acceptance (below) in the above-entitled  
8 action within thirty (30) days after the offer is made, or else it  
9 will be deemed withdrawn.

10 DATED: August 29, 2017

11 MILES, SEARS & EANNI

12  
13 By:   
14 RICHARD C. WATTERS  
Attorneys for Plaintiffs

15  
16 \* \* \*

17 **NOTICE OF ACCEPTANCE**

18 The above Offer to Compromise in the amount of \$554,605.23 is  
19 accepted.

20 DATED: \_\_\_\_\_

21 WEISS-SALINAS LAW GROUP, INC.

22  
23 BY: \_\_\_\_\_  
24 RICHARD S. SALINAS, ESQ.  
25 ATTORNEYS for Defendant,  
TULARE REGIONAL MEDICAL CENTER

26 IT IS ORDERED AND DECREED that Judgment be entered pursuant to  
27 this Offer to Compromise of Defendant, TULARE REGIONAL MEDICAL  
28 CENTER to Plaintiffs, THOMAS J. GRIESBACH, Individually, and as

1 Successor in Interest to the ESTATE OF CHRISTINE L. GRIESBACH; AMY  
2 S. FERREIRA; and MATHEW J. GRIESBACH [C.C.P., Section 998].

3 DATED: \_\_\_\_\_  
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5 JUDGE OF THE SUPERIOR COURT  
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LAW OFFICES OF  
MILES, SEARS & EANNI  
A PROFESSIONAL CORPORATION  
3844 FRESNO STREET  
POST OFFICE BOX 1432  
FRESNO CALIFORNIA 93716

1 PROOF OF SERVICE BY MAIL - C.C.P. §§1013(a), 2015.5

2 I, Marisa Mendez, declare as follows:

3 My business address is MILES, SEARS & EANNI, 2844 Fresno  
4 Street, Post Office Box 1432, Fresno, California, 93716. I am a  
5 resident of, or employed in, Fresno County, the county where the  
6 following mailing occurs. I am over the age of eighteen years and  
7 not a party to the within entitled action. I am readily familiar  
8 with the practice of MILES, SEARS & EANNI for collection and  
9 processing of correspondence for mailing with the United States  
10 Postal Service. In accordance with that practice, correspondence  
11 will be deposited with the United States Postal Service on the  
12 same date set forth below in the ordinary course of business. On  
13 August 29, 2017, I served the within PLAINTIFFS OFFER TO COMPROMISE  
14 on the interested parties in said action by placing a true copy  
15 thereof for deposit in the United States Postal Service at my said  
16 place of business. The envelopes were sealed and placed for  
17 collection and mailing on that date following ordinary business  
18 practices. The names and addresses of the persons served as shown  
19 on the envelopes are as follows:

20 Richard S. Salinas, Esq.	Attorneys for Defendant,
Carol A. O'Neil, Esq.	TULARE REGIONAL MEDICAL
21 WEISS-SALINAS LAW GROUP, INC.	CENTER
7108 North Fresno Street, Suite 250	
22 Fresno, California 93720	

23 I declare under penalty of perjury under the laws of the  
24 State of California that the foregoing is true and correct.  
25 Executed this 29<sup>th</sup> day of August, 2017, at Fresno, California.

26  
27 Marisa Mendez, Declarant  
28

UNEMPLOYED  
MILES, SEARS & EANNI  
A PROFESSIONAL CORPORATION  
2844 FRESNO STREET  
POST OFFICE BOX 1432  
FRESNO, CALIFORNIA 93716